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STATE OF ALABAMA
DEPARTMENT OF INSURANCE

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2006 JUL 26 A 9 18
U.S. DISTRICT COURT
MONTGOMERY, ALA

WALTER A. BELL
COMMISSIONER
ASSISTANT COMMISSIONER
RAGAN INGRAM
DEPUTY COMMISSIONER
DAVID PARSONS
CHIEF EXAMINER
RICHARD L. FORD
STATE FIRE MARSHAL
EDWARD S. PAULK
GENERAL COUNSEL
REYN NORMAN
LICENSING MANAGER
JIMMY W. GUNN

July 24, 2006

Clerk, United States District Court
P.O. Box 711
Montgomery, AL 36101

Re: Civil Action 2:06cv389SRW United States District Court, Middle District of Alabama

Dear Sir:

The Insurance Department is unable to accept service of process in the above-styled case for the following reason(s):

- (X) Section 27-4-2(13), Code of Alabama 1975, as amended, requires that a check in the amount of \$25.00 be received as the service fee per insurance company served to be taxed as costs in the action.
- (X) Section 27-3-25, Code of Alabama 1975, as amended, requires these documents be filed in triplicate.
- (X) Section 27-3-25, Code of Alabama 1975, as amended, states that **service of process upon the Commissioner as process agent of the insurer shall be made by the proper officer of Montgomery County.** Service of process by **certified mail** must be served directly on the company or its designated agent for service of process pursuant to Section 10-2B-5.01, Code of Alabama 1975, as amended.
- () Section 27-3-24, Code of Alabama 1975, as amended, allows the Commissioner to accept service of process for licensed insurance companies only. The defendants listed in this action are not licensed insurance companies.
- (X) **Other: SERVICE UPON THE COMPANY'S DESIGNATED AGENT FOR SERVICE (OTHER THAN THE COMMISSIONER) CAN BE MADE DIRECTLY UPON THAT AGENT, RATHER THAN GOING THROUGH THE COMMISSIONER. PLEASE REFER TO OUR WEBSITE WWW.ALDOI.GOV FOR INFORMATION CONCERNING THE COMPANY'S AGENT FOR SERVICE OF PROCESS.**

The document submitted by you in the above-styled case is being returned for reasons indicated above. If you have any questions, please contact me at (334) 241-4156.

Sincerely,

Ken Smithson
ALABAMA DEPARTMENT OF INSURANCE
EXAMINATION DIVISION